

head of the Federal agency, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

“(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the head of a Federal agency under any Federal law.

“(h) AUDITS.—

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the head of a Federal agency shall—

“(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

“(B) conduct annual audits during each of the first 4 years of State participation; and

“(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

“(2) PUBLIC AVAILABILITY AND COMMENT.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

“(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the head of the Federal agency shall respond to public comments received under subparagraph (A).

“(3) AUDIT TEAM.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the head of the Federal agency, in consultation with the State, in accordance with subparagraph (B).

“(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

“(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the head of the Federal agency shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

“(j) REPORT TO CONGRESS.—The head of each Federal agency shall submit to Congress an annual report that describes the administration of the agency program.

“(k) TERMINATION.—

“(1) TERMINATION BY FEDERAL AGENCY.—The head of a Federal agency may terminate the participation of any State in an agency program of the Federal agency if—

“(A) the head of the Federal agency determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the head of the Federal agency provides to the State—

“(i) a notification of the determination of noncompliance;

“(ii) a period of not less than 120 days to take such corrective action as the head of the Federal agency determines to be necessary to comply with the applicable agreement; and

“(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the head of the Federal agency.

“(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the head of the applicable Federal agency a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the head of the Federal agency may provide.

“(1) CAPACITY BUILDING.—The head of a Federal agency, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

“(1) to assist States in developing the capacity to participate in the agency program of the Federal agency; and

“(2) to promote information sharing and collaboration among States that are participating in the agency program of the Federal agency.

“(m) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

“(1) exercise that authority on behalf of the local government for a locally administered project; or

“(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with this title and any comparable requirements under State law.”.

(5) PROHIBITION ON GUIDANCE.—No Federal agency, including the Council on Environmental Quality, may reissue the final guidance of the Council on Environmental Quality entitled “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews” (81 Fed. Reg. 51866 (August 5, 2016)) or substantially similar guidance unless authorized by an Act of Congress.

(6) DEFINITIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

“SEC. 109. DEFINITIONS.

“In this title:

“(1) ENVIRONMENTAL ASSESSMENT.—The term ‘environmental assessment’ has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed statement required under section 102(2)(C).

“(3) NEPA PROCESS.—

“(A) IN GENERAL.—The term ‘NEPA process’ means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

“(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

“(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

“(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

“(I) a record of decision, including, if necessary, a revised record of decision;

“(II) a finding of no significant impact; or

“(III) a categorical exclusion under this title.

“(4) PROJECT SPONSOR.—The term ‘project sponsor’ means a Federal agency or other en-

tity, including a private or public-private entity, that seeks approval of a proposed action.”.

(7) CONFORMING AMENDMENTS.—

(A) POLICY REVIEW.—Section 309 of the Clean Air Act (42 U.S.C. 7609) is repealed.

(B) SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.—Section 327 of title 23, United States Code, is amended—

(i) in subsection (a)(1), by striking “The Secretary” and inserting “Subject to subsection (m), the Secretary”; and

(ii) by adding at the end the following:

“(m) SUNSET.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date of enactment of this subsection.

“(2) EXISTING AGREEMENTS.—Subject to the requirements of this section, the Secretary may continue to enforce any agreement entered into under this section before the date of enactment of this subsection.”.

(b) ATTORNEY FEES IN ENVIRONMENTAL LITIGATION.—

(1) ADMINISTRATIVE PROCEDURE.—Section 504(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) ‘special factor’ does not include knowledge, expertise, or skill in environmental litigation.”.

(2) UNITED STATES AS PARTY.—Section 2412(d)(2) of title 28, United States Code, is amended—

(A) in subparagraph (H), by striking “and” at the end;

(B) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(J) ‘special factor’ does not include knowledge, expertise, or skill in environmental litigation.”.

SEC. 402. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

SA 2256. Mr. LEE (for himself, Mr. JOHNSON, Ms. ERNST, Mr. CORNYN, Mr. CRUZ, Mr. INHOFE, and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

SA 2257. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION _____ —CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES

SEC. _____. ANNUAL REPORT ON NEW CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES.

The head of each Federal agency shall submit to Congress an annual report on any future category of actions or issues that would support the adoption or deployment of emerging technologies, as determined by the head of a Federal agency, that have not been addressed in any environmental assessment (as defined in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation)) conducted by that Federal agency but that could meet the criteria for consideration as a categorical exclusion from the requirements of title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

SA 2258. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL SPECTRUM AUDIT.

(a) DEFINITIONS.—In this section—

(1) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information; and

(2) the term “Federal entity” has the meaning given the term in section 113(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(1)).

(b) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the head of each Federal entity, shall—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to each Federal entity as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(c) CONTENTS OF REPORT.—The Assistant Secretary shall include in the report submitted under subsection (b)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to a Federal entity as of the date of the audit—

(1) each particular band of spectrum being used by the Federal entity;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Federal entity or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Federal entity.

(d) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

(e) RELATION TO DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.—The Assistant Secretary shall coordinate the implementation of this section with the implementation of section 27003 (relating to an audit of Department of Transportation spectrum).

SA 2259. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REGULATION OF DRIVERS OF PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of Transportation, acting through the Administrator of the Federal Motor Carrier Safety Administration.

(b) HOURS OF SERVICE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, shall revise section 395.3 of title 49, Code of Federal Regulations—

(A) to increase the maximum driving time for a driver of a property-carrying commercial motor vehicle from 11 hours to 12 hours;

(B) to establish a maximum on-duty time of 14 hours during any 24-hour period (as defined in section 395.2 of that title (or a successor regulation)) for a driver of a property-carrying commercial motor vehicle;

(C) to provide that the on-duty time of a driver of a property-carrying commercial motor vehicle may not begin unless—

(i)(I) the driver has first taken 10 consecutive hours off duty; and

(ii) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); or

(ii) at the election of the driver—

(I) the driver has taken 8 consecutive hours off duty;

(II) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); and

(III) the driver—

(aa) takes 2 rest breaks of 30 minutes each, which may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is not more than 8 hours;

(bb) takes 3 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 8, but not more than 10, hours; or

(cc) takes 4 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 10, but not more than 12, hours;

(D) to provide that any rest break taken by a driver shall be considered to be off-duty time excluded from the calculation of on-duty time;

(E) to provide that the driving time of a driver of a property-carrying commercial motor vehicle begins when the driver is 150 air miles from the starting location of the trip; and

(F) to provide that, if, at the time that the driver of a property-carrying commercial motor vehicle reaches 14 hours of on-duty time or 12 hours of driving time, the driver is within 150 air miles of the destination of the trip, as established at the outset of the trip—

(i) the driver may continue driving until that destination is reached;

(ii) the driving time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 12 hours of driving time and ending on completion of the trip; and

(II) that is necessary to reach, or otherwise complete the trip at, that destination; and

(iii) the on-duty time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 14 hours of on-duty time and ending on completion of the trip; and

(II) during which the driver carries out an activity necessary to reach, or otherwise complete the trip at, that destination, including any time described in paragraph (3) or (5) of the definition of the term “on-duty time” in section 395.2 of that title (or a successor regulation).

(2) REQUIREMENT.—In carrying out paragraph (1), the Secretary shall not modify the limits described in section 395.3(b) of title 49, Code of Federal Regulations.

(c) COMMERCIAL DRIVER'S LICENSES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall revise section 391.11 of title 49, Code of Federal Regulations, to lower the minimum age for obtaining a commercial driver's license from 21 to 18 years of age.

SA 2260. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,